

HOUSE BILL 545

By Sontany

AN ACT to amend Tennessee Code Annotated, Title 63, to enact the "Halfway House Registration Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Halfway House Registration Act".

SECTION 2. As used in this act, unless the context otherwise requires:

- (1) "Commissioner" means the commissioner of commerce and insurance;
- (2) "Department" means the department of commerce and insurance;
- (3) "Halfway House" includes a rehabilitation or housing center where people who have left an institution; a prison, jail or other involuntary admission residential correctional facility for juveniles or adults; hospital; mental health treatment facility; or treatment facility for drug or alcohol abuse; and
- (4) "Resident" includes any minor or adult who is dwelling in a halfway house for a definite or indefinite period of time.

SECTION 3.

(a) Effective October 1, 2009, no halfway house shall accept any new residents or continue to provide residential services to any other residents unless such halfway house is registered with the department. All registrations under this act shall expire two (2) years from the date of the registration or the renewal of the registration. The commissioner may promulgate rules that are reasonably necessary to carry out this act. The commissioner shall establish registration and renewal fees that are adequate to cover the administrative costs associated with the registration program.

(b) Included on each registration and renewal form shall be a section in which the registrant must declare, under penalty of perjury pursuant to § 39-16-702(a)(3), whether the registrant has ever been convicted of a violation of this act or convicted of any other felony offense.

(c) An applicant who has been convicted of a violation of this act or has a conviction for a felony offense shall be prohibited from registering under this act for five (5) years from the date of conviction.

SECTION 4. An application for registration shall include the following information:

- (1) The name, address and phone number of the halfway house;
- (2) The name and contact information for the person who is the chief administrator of the halfway house;
- (3) The name and contact information for the chief medical officer of the halfway house, if any;
- (4) The name and contact information for a representative of the halfway house who is available to the department twenty-four (24) hours a day, seven (7) days a week, fifty-two (52) weeks a year;
- (5) The profit or non-profit status of the halfway house and any documentation of such status requested by the department;
- (6) Evidence satisfactory to the department of compliance with all state and local regulatory and zoning requirements applicable to the halfway house;
- (7) The purpose of the halfway house and whether or not such halfway house is a rehabilitation facility or a housing facility or both;
- (8) The capacity for residential clients of the halfway house;
- (9) The type of residents accepted by the halfway house, as categorized in rules of the department; and

(10) Any other information required by rules of the department..

SECTION 5.

(a) Effective October 1, 2009, it is an offense for a person to own or operate a halfway house without registering with the department or falsely registering with the department.

(b)

(1) A first or second violation of subsection (a) is a Class A misdemeanor.

(2) A third or subsequent violation of subsection (a) is a Class E felony.

SECTION 6. For the purpose of promulgating rules, this act shall take effect on becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on July 1, 2009.